

ORDINANCE NO. 99 - 53

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 99-107 COM/LSMU 1 (OXLEY), MODIFYING PAGE 107 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 7.5 ACRES GENERALLY LOCATED ON THE NORTHEAST CORNER OF OLD CLINT MOORE ROAD AND JOG ROAD, FROM COMMERCIAL RECREATION, WITH AN UNDERLYING 1 UNIT PER ACRE (CR/1) TO COMMERCIAL LOW, WITH AN UNDERLYING 1 UNIT PER ACRE (CL/1), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on June 11, 18 and 25, July 9, August 13, and November 19, 1999 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 28, August 17 and 24, 1999 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized

1 transmittal of proposed amendments to the Department of Community  
2 Affairs for review and comment pursuant to Chapter 163, Part II,  
3 Florida Statutes; and

4 WHEREAS, Palm Beach County received on November 16, 1999 the  
5 Department of Community Affairs "Objections, Recommendations, and  
6 Comments Report," dated November 12, 1999 which was the Department's  
7 written review of the proposed Comprehensive Plan amendments; and

8 WHEREAS, the written comments submitted by the Department of  
9 Community Affairs contained no objections to the amendments contained  
10 in this ordinance;

11 WHEREAS, on December 13, 1999 the Palm Beach County Board of  
12 County Commissioners held a public hearing to review the written  
13 comments submitted by the Department of Community Affairs and to  
14 consider adoption of the amendments; and

15 WHEREAS, the Palm Beach County Board of County Commissioners has  
16 determined that the amendments comply with all requirements of the  
17 Local Government Comprehensive Planning and Land Development  
18 Regulations Act.

19 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
20 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

21 Part I. Amendments to the Future Land Use Atlas of the Land Use  
22 Element of the 1989 Comprehensive Plan

23 The following amendment to the Land Use Element's Future Land Use  
24 Atlas is hereby adopted and is attached to this Ordinance:

25 A. Future Land Use Atlas page 107 is amended as follows:

26 Application No.: 99-107 COM/LSMU 1 (Oxley)

27 Amendment: From Commercial Recreation, with an  
28 underlying 1 unit per acre (CR/1) to  
29 Commercial Low, with an underlying 1 unit  
30 per acre (CL/1);

31 General Location: On the northeast corner of Old Clint Moore

Road and Jog Road;

**Size:** Approximately 7.5 acres;

**B. Condition:** This parcel is subject to the following condition:

1. The site shall be limited a maximum of 42,000 square feet of commercial uses.

**Part II. Repeal of Laws in Conflict**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Part IV. Inclusion in the 1989 Comprehensive Plan**

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of



1 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,  
2 Tallahassee, Florida 32399-2100. **APPROVED AND ADOPTED** by the Board  
3 of County Commissioners of Palm Beach County, on the 13 day of  
4 December, 1999.

5 ATTEST:  
6 DOROTHY H. WILKEN, Clerk

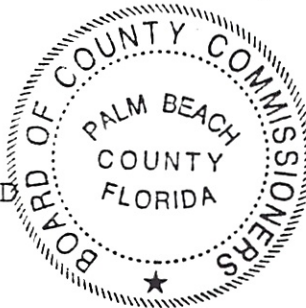
PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

7 By: Joan Keeney  
8 Deputy Clerk

By: Mande Ford Lee  
Chair

9 APPROVED AS TO FORM AND  
10 LEGAL SUFFICIENCY

11 Matthew S.  
12 COUNTY ATTORNEY



13 Filed with the Department of State on the 23rd day  
14 of December, 1999.

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## EXHIBIT 1

Future Land Use Atlas page 107 is amended as follows:

**Amendment No.:** 99-107 COM/LSMU 1 (Oxley)

**Amendment:** From Commercial Recreation, with an underlying 1 unit per acre (CR/1) acre to Commercial Low, with an underlying 1 unit per acre (CL/1).

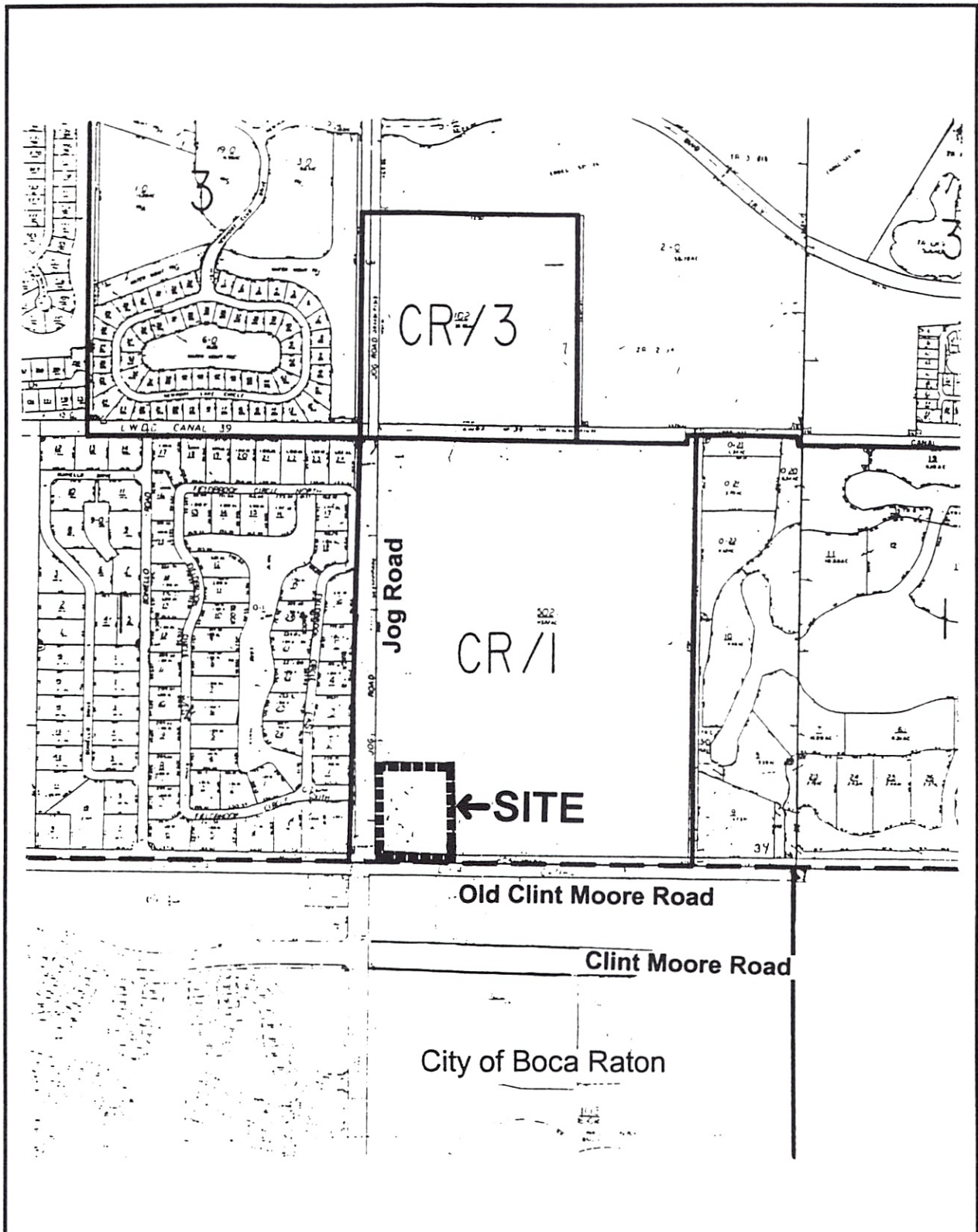
**Location:** On the northeast corner of Old Clint Moore Road and Jog Road.

**Size:** Approximately 7.5 acres

**Property No.:** 00-42-46-34-00-000-5020 (a 7.5 acre portion of a 124.51 acre parcel.)

**Legal Description:** See attached

**Condition:** The site shall be limited a maximum of 42,000 square feet of commercial uses.



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**LEGAL DESCRIPTION:**

A CERTAIN PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND SECTION 3, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34;

THENCE NORTH 89 DEGREES 13' 13" EAST (THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34 IS ASSUMED TO BEAR NORTH 89 DEGREES 13' 13" EAST, AND ALL OTHER BEARINGS MENTIONED HEREIN ARE RELATIVE THERETO).

ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 60.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF JOG ROAD, AS SAME IS SHOWN ON ROAD PLAT BOOK 4, PAGES 194 AND 195, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE SOUTH 00 DEGREES 57' 42" EAST, ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 22.00 FEET;

THENCE NORTH 89 DEGREES 13' 13" EAST, ALONG A LINE 22.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 544.54 FEET;

THENCE NORTH 01 DEGREES 03' 59" EAST, A DISTANCE OF 600.00 FEET;

THENCE SOUTH 89 DEGREES 13' 13" WEST, A DISTANCE OF 544.50 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY FOR JOG ROAD, AS NOW LAID OUT AND IN USE;

THENCE SOUTH 01 DEGREES 03' 59" EAST, ALONG SAID EASTERLY RIGHT OF WAY, ALSO BEING A LINE 60.00 FEET EAST OF, AND PARALLEL TO, THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 578.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.50 ACRES MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on December 13, 1999.  
DATED at West Palm Beach, FL on 1/4/00.  
DOROTHY H. WILKEN, Clerk  
By: Hilene Brown D.C.